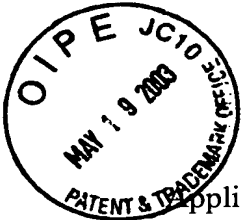


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

47  
5.24.03  
C. G. G. G.

Applicant: Hollis et al )  
For: ROLLER SWITCH )  
Serial No. 09/933,416 )  
Filed: August 20, 2001 )

Confirmation No. 5742  
Docket No. DN2000162  
Art Unit: 2878  
Examiner: Sohn, Seung C

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents, Alexandria, VA 22313-1450, on May 14, 2003

(Date of Deposit)

Nancy T. Krawczyk

(Name of Registered Representative)

[Signature]  
(Signature)

May 14, 2003  
(Date of Signature)

Response to Restriction Requirement

Dear Sir:

In response to the Restriction Requirement mailed on May 7, 2003, Applicants elect to examine Group 1, claims 1 - 7, drawn to a roller switch.

~~This election is made with traverse.~~ The inventions have been held to be distinct as claiming a product and process for use the product. In order to show distinction, the burden is on the examiner to show that the process for using the product *as claimed* can be practiced with a materially different product or that the product *as claimed* can be used in a materially different process (emphasis added).

For the present application, the product is considered to be the roller switch, and the process for using the product is the process of using the roller switch. Thus, the examiner must show that the process of using the roller switch as recited in claim 8, can be practiced with a materially different product, or that the product as recited in claims 1-7, can be used in a materially different process.

It is held that in the instant case, the process of measuring the length of a finite strip material *as claimed* can be practiced with different products than those set forth in the proposed *claimed* invention, such as an electrical roller switch or a mechanical roller switch.

Applicants object to this statement, and believe that this is incorrect. MPEP 806.05(h) states that a restriction can be made if the process for using the product *as claimed* can be practiced with a materially different product. Herein, it cannot. The process for using the

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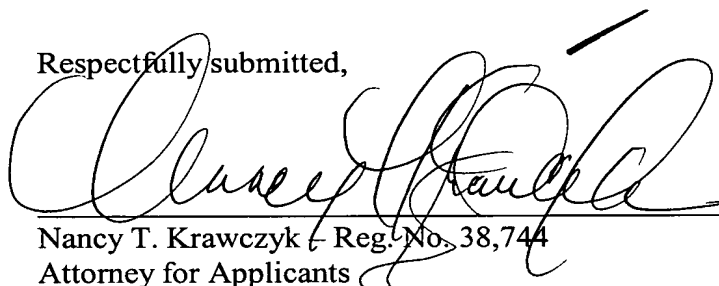
product *as claimed* recites a roller, a roller that moves vertically, a flag arm that pivots in response to the roller movement, a signal that is generated, a tube located near the roller, and the flag arm having a shaft that extends through the tube. All of these elements are also recited in claims 1 - 7. The recited steps cannot be practiced without these recited product elements.

It is requested that this restriction be withdrawn and examination of all the claims continue.

Additionally, clearly the burden of examining in additional arts is not an issue herein contributing to the need for the restriction as the Examiner has already made an examination of the art for all the claims and issued a rejection of all the claims.

Applicants await a response to the Amendment filed on February 20, 2003, and again request that the restriction be withdrawn and prosecution of all the claims move forward.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Nancy T. Krawczyk', is written over a horizontal line.

Nancy T. Krawczyk - Reg. No. 38,744  
Attorney for Applicants

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